

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25789 )  
GEORGE M. MAC LEOD )  
Applicant )  
SYLVIA SEBASTIANI AND )  
CLIFFORD J. ERICKSON )  
Protestants )

Decision: 1544  
Source : Unnamed Stream  
County : Sonoma

DECISION APPROVING APPLICATION 25789

BY THE BOARD:

George M. MacLeod having filed Application 25789 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided for by Section 737 of Title 23, California Administrative Code; an investigation having been made by the State Water Resources Control Board pursuant to said stipulations; the evidence received at the investigation having been duly considered; the Board finds as follows:

Substance of the Application

1. Application 25789 is for 2.9 acre-feet per annum (afa) by storage from November 1 to March 31 for irrigation of 15 acres of vineyard. The point of diversion is within the SW $\frac{1}{2}$  of SE $\frac{1}{2}$  of Section 30, T7N, R6W, MDB&M.

Applicant's Project

2. The applicant uses an existing earthfill dam about 17 feet high and 270 feet long forming a reservoir with a surface area of about 0.3 acre and

a capacity of about 2.9 af on an unnamed stream tributary to Sonoma Creek. Stored water is pumped from the reservoir to drip irrigate the vineyard. The applicant also proposes to use the reservoir for regulation of water pumped from Sonoma Creek under claim of riparian right.

#### Protests

3. Sylvia Sebastiani and Clifford J. Erickson protested Application 25789 on the basis of injury to existing rights.

4. Sylvia Sebastiani holds permitted Application 25023 and 25024 for direct diversion from Fowler Creek, a tributary to Sonoma Creek, and from Sonoma Creek, respectively. These diversions and her groundwater wells are about 13 miles downstream from the applicant's project. Sebastiani claims the applicant's diversion will cause depletion in the lower reaches of Sonoma Creek and will increase salt water intrusion in her wells.

5. Clifford J. Erickson is apparently riparian and has filed a Statement of Water Diversion and Use, S726, for his diversion which is about five miles downstream of the applicant's project. He claims that there is no provision to bypass water outside the proposed storage season and that he will be deprived of water during his season of use from April 1 through October. He claims to divert about 30,000 gallons per month from Sonoma Creek for irrigation of about 1¼ acres.

#### Availability of Unappropriated Water

6. The watershed tributary to applicant's reservoir is 27 acres in area and runoff would be about 33 afa. Winter runoff of Sonoma Creek where the protestants are located is about 46,000 afa, most of which flows unused into

San Pablo Bay. Unappropriated water is available in the stream specified in Application 25789 during the season requested.

7. The intended use is beneficial. The applicant's use of drip irrigation enhances the beneficial and efficient use of water.

#### Environmental Considerations

8. This decision authorizes collection of water behind a small dam already constructed. Such activity constitutes only a minor modification to land, and such activity is thereby exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15104, Chapter 3, Title 14, California Administrative Code.

#### Record in this Matter

9. The record, documents, and other data relied upon to determine this matter are: The file of Application 25789 and all relevant information on file therewith including the Engineering Staff Analysis dated June 12, 1979, Statement of Water Diversion and Use S726, Board Decisions 1004 and 1357, and the U. S. Geological Survey, "Water Resources Data for California" Volume 2 and all relevant predecessor publications.

Conclusions

10. From the foregoing findings, the Board concludes that Application 25789 should be approved and that permit should be issued to the applicant subject to the condition set forth in the following order.

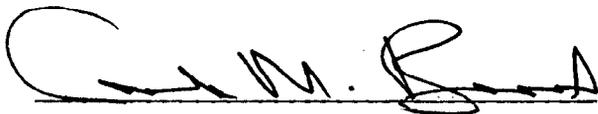
ORDER

IT IS HEREBY ORDERED that Application 25789 be approved and that a permit be issued to the applicant subject to vested rights. The permit shall contain all applicable standard permit terms (5i, 6, 10, 11, 12, and 13)<sup>1/</sup> in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2.9 acre-feet per annum to be collected from November 1 of each year to March 31 of the succeeding year.

2. Complete application of the water to the proposed use shall be made on or before December 1, 1983.

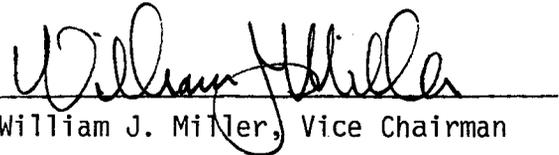
Dated: OCT 18 1979



Carla M. Bard, Chairwoman



L. L. Mitchell, Member



William J. Miller, Vice Chairman



W. Don Maughan, Member

<sup>1/</sup> The Board maintains a list of standard permit terms. Copies of these are available upon request.